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Attorneys for Plaintiffs
NORTHERN CALIFORNIA RIVER WATCH,
TEAMSTERS LOCAL 70, and EAST BAY
ALLIANCE FOR A SUSTAINABLE ECONOMY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA RIVER WATCH,
a non-profit corporation; TEAMSTERS
LOCAL 70, a labor organization; and EAST
BAY ALLIANCE FOR SUSTAINABLE
ECONOMY, a non-profit organization,

Plaintiffs,

v.

OAKLAND MARITIME SUPPORT
SERVICES, INC., a corporation; WILLIAM
ABOUDI, an individual; JORGE GONZALEZ
RIVERA d.b.a. CHRISTIAN BROTHERS
TRUCK SERVICES, an individual;
REDEVELOPMENT AGENCY OF THE CITY
OF OAKLAND, a local public agency; and the
CITY OF OAKLAND, a municipality,

Defendants.

Case No.: 4:10-cv-3912 CW-JSC

**STIPULATION TO DISMISS
PLAINTIFF'S CLAIMS; ~~PROPOSED~~
ORDER GRANTING DISMISSAL WITH
PREJUDICE**

[FRCP 41(a)(2)]

Hon. Chief Judge Claudia Wilken

WHEREAS, on or about February 17, 2010, Plaintiff Northern California River Watch
("NCRW") provided Oakland Maritime Support Services, Inc. ("OMSS"), William Aboudi, and
a number of OMSS subtenants with a Notice of Violation and Intent to File Suit ("60-Day Notice

1 Letter”) under Section 505 of the Federal Water Pollution Control Act (the “Act” or “Clean
2 Water Act”), 33 U.S.C. § 1365;

3 WHEREAS, on August 31, 2010, NCRW filed its Complaint in the United States District
4 Court for the Northern District of California against OMSS, William Aboudi, and Jorge
5 Gonzalez Rivera d.b.a. Christian Brothers Truck Services (“Christian Brothers”) (*Northern*
6 *California River Watch v. Oakland Maritime Support Services, Inc., et al.*, Case No. 4:10-cv-
7 3912 CW-JSC);

9 WHEREAS, on or about September 2, 2010, NCRW, Teamsters Local 70, and East Bay
10 Alliance For Sustainable Economy (“E-BASE”) (collectively “Plaintiffs”) provided OMSS,
11 William Aboudi, Christian Brothers, Redevelopment Agency of the City of Oakland, the City of
12 Oakland (“City”), the City’s Community and Economic Development Agency, and others with
13 an additional Notice of Violation and Intent to File Suit under Section 505 of the Clean Water
14 Act;

16 WHEREAS, on November 2, 2010, Plaintiffs filed a First Amended Complaint adding
17 the Redevelopment Agency, the City, and the Community and Economic Development Agency
18 as defendants;

19 WHEREAS, on February 23, 2011, Plaintiffs voluntarily dismissed the City and the
20 Community and Economic Development Agency as defendants in the action;

22 WHEREAS, the Redevelopment Agency has, by operation of statute, been replaced in
23 this litigation by the Oakland Redevelopment Successor Agency;

24 WHEREAS, on October 23, 2013, the Parties and the City filed a stipulation to add the
25 City back in as a defendant in this action.

26 WHEREAS, Plaintiffs and Defendants, through their authorized representatives and
27 without adjudication of Plaintiffs’ claims, have chosen to resolve in full by way of settlement the
28

1 allegations of Plaintiffs as set forth in the Notices and First Amended Complaint, thereby
 2 avoiding the costs and uncertainties of further litigation. A copy of the Settlement Agreement
 3 and Release of Claims ("Settlement Agreement"), without the attached exhibits, entered into by
 4 and between Plaintiffs and Defendants is attached hereto as Exhibit 1 and incorporated by
 5 reference.
 6

7 WHEREAS, the parties submitted the Settlement Agreement via certified mail, return
 8 receipt requested, to the U.S. EPA and the U.S. Department of Justice and the 45-day review
 9 period set forth at 40 C.F.R. § 135.5 has been completed, and the Court has granted the parties'
 10 motion to approve the settlement.

11 NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the
 12 parties that Plaintiffs' claims, as set forth in the Notices and Complaint, be dismissed with
 13 prejudice. The parties respectfully request an order from this Court dismissing such claims with
 14 prejudice. In accordance with paragraphs 4 and 19 of the Settlement Agreement, the parties also
 15 request that this Court maintain jurisdiction over the parties, for the sole purpose of resolving any
 16 disputes between the parties with respect to enforcement of any provision of the Settlement
 17 Agreement.
 18

19 Dated: March 18, 2014

20 */s/ Michael R. Lozeau*

21 **MICHAEL R. LOZEAU**
 22 Attorney for Plaintiffs

23 Dated: March 18, 2014

24 */s/ Meredith E. Brown*

25 (as authorized on 3/18/2014)
 26 **MEREDITH E. BROWN**
 27 Attorney for Defendants
 28 **OAKLAND MARITIME SUPPORT
 SERVICES, INC. and WILLIAM ABOUDI**

1 Dated: March 18, 2014

2 /s/ Robert Doty

3 (as authorized on 3/18/2014)

4 ROBERT DOTY

5 Attorney for Defendant

6 OAKLAND REDEVELOPMENT

SUCCESSOR AGENCY and CITY OF

OAKLAND

7 ~~PROPOSED~~ ORDER

8 Good cause appearing, and the parties having stipulated and agreed,

9
10 IT IS HEREBY ORDERED that Plaintiffs Northern California River Watch's, Teamsters
11 Local 70's, and East Bay Alliance For Sustainable Economy's claims against Defendants
12 Oakland Maritime Support Services, Inc., William Aboudi, Jorge Gonzalez Rivera d.b.a.
13 Christian Brothers Truck Services, Oakland Redevelopment Successor Agency, and the City of
14 Oakland, as set forth in the Notices and First Amended Complaint filed in Case No. 4:10-cv-
15 3912 CW-JSC, are hereby dismissed with prejudice.
16

17 IT IS FURTHER ORDERED that the Court shall retain jurisdiction over the parties for
18 the sole purpose of enforcing compliance by the parties of the terms of the Settlement
19 Agreement, attached to the parties' Stipulation to Dismiss as Exhibit 1.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 Dated: March 19, 2014

23 

Hon. Claudia Wilken

24 United States District Chief Judge